

AMENDED IN SENATE JULY 23, 2009

CALIFORNIA LEGISLATURE—2009—10 FOURTH EXTRAORDINARY SESSION

**ASSEMBLY BILL**

**No. 11**

**Introduced by Assembly Member Evans**

July 2, 2009

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~~An act relating to the Budget Act of 2009. An act to amend Sections 25173.6, 25299.50.2, and 25404 of the Health and Safety Code, to amend Sections 4464, 4475, 4475.5, 4799.04, 4799.12, 21191, 25218, 25414, 25415, 25416, 25420, 25450, 25450.1, 25450.2, 25450.3, and 48653 of, to add Sections 25422, 25450.4, and 25450.5 to, and to add Chapter 5.6 (commencing with Section 25460) and Chapter 5.7 (commencing with Section 25470) to Division 15 of, the Public Resources Code, to amend Sections 5106 and 5108 of the Vehicle Code, and to add Sections 147 and 79424 to the Water Code, relating to public resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 11, as amended, Evans. ~~Budget Act of 2009. Public Resources.~~  
~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2009.~~

(1) Existing law establishes the Toxic Substances Control Account in the General Fund. Existing law authorizes the moneys deposited in the account to be appropriated to the Department of Toxic Substances Control for specified purposes, including the administration of the Human and Ecological Risk Division, the Hazardous Materials Laboratory, and the Office of Pollution Prevention and Technology Development, all within the department.

*This bill would change the reference to the Hazardous Materials Laboratory to the Environmental Chemistry Laboratory, and specify that moneys deposited in the account also may be appropriated to the department for the administration of the successor organizations of the specified units of the department, and for the implementation of programs administered by those units or successor organizations. The bill would authorize moneys in the account to be appropriated to the department for activities of the department related to pollution prevention and technology development, as specified.*

*(2) Existing law establishes the Underground Storage Tank Petroleum Contamination Orphan Site Cleanup Fund (fund) in the State Treasury until January 1, 2016, and transfers \$10,000,000, for each of the 2008–09, 2009–10, and 2010–11 fiscal years, from the Underground Storage Tank Cleanup Fund to the fund, for expenditure, upon appropriation by the Legislature, for the costs of response actions to remediate the harm caused by a petroleum contamination at a site that meets specified conditions.*

*This bill would authorize available federal moneys to be deposited in the fund, and would require the amount transferred in a fiscal year to the fund from the Underground Storage Tank Cleanup Fund to be reduced by the amount of federal moneys deposited in the fund in that fiscal year. The bill would require that if an expenditure from the fund includes federal moneys deposited in the fund, the expenditure be consistent with all applicable requirements for expenditure of the federal moneys.*

*(3) Existing law requires the Secretary for Environmental Protection to implement a unified hazardous waste and hazardous materials management regulatory program known as the unified program. The unified program is required to consolidate the administration of specified hazardous waste and hazardous materials management requirements. The secretary is required to establish standards applicable to Certified Unified Program Agencies (CUPAs), participating agencies (PAs), state agencies, and businesses specifying the data to be collected and submitted by unified program agencies in administering the specified requirements. Existing law requires the secretary, by January 1, 2010, to establish a statewide information management system capable of receiving all data collected by the unified program agencies and reported by regulated businesses, as specified. Existing law requires not less than 75% of specified funding to be provided to CUPAs and PAs through grant funds in the amounts determined by the secretary*

*to assist those local agencies in meeting information management system requirements.*

*This bill would require that funding to be provided through grant funds or statewide contract services, rather than only through grant funds.*

*(4) The Wildland Fire Protection Management Act of 1978 authorizes the Director of Forestry and Fire Protection to enter into contracts, with the approval of the Director of General Services, for prescribed burning or other hazardous fuel reduction with the owner or any person who has legal control of any property or any public agency with regulatory or natural resource management authority over certain lands. The act authorizes the state to assume a proportionate share of the costs of site preparation and prescribed burning or other hazardous fuel reduction.*

*This bill would change the term “contract” to “agreement,” and would delete the requirement of approval by the Director of General Services. The bill would also authorize the director to accept grants and donations of equipment, materials, or funds from any source for the purpose of supporting or facilitating the prescribed burning or other hazardous fuels reduction work. The director would be authorized to waive the cost sharing requirements of the act if the funding source prohibits cost sharing requirements.*

*(5) Existing law authorizes the Department of Forestry and Fire Protection to enter into agreements and make loans to encourage private and public investment in, and improved management of, forest lands and resources within the state to ensure adequate future high-quality timber supplies, related employment and other economic benefits, and the protection, maintenance, and enhancement of a productive and stable forest resource system for the benefit of present and future generations. The Director of Forestry and Fire Protection is authorized to enter into agreements for forest resource improvement work with eligible landowners that require cost sharing on the part of the landowner and is required to deposit into the Forest Resources Improvement Fund funds from any source for forest resource improvement purposes.*

*This bill would allow the department to waive the cost sharing requirement if the funding source for the authorized forest resource improvement work prohibits cost sharing requirements. This bill would prohibit any federal funds received as part of the federal American*

*Recovery and Reinvestment Act of 2009 from being deposited into the Forest Resources Improvement Fund.*

*(6) The California Urban Forestry Act of 1978 authorizes the Department of Forestry and Fire Protection to implement a program in urban forestry to, among other things, encourage better management and planting of trees in urban areas and assist cities in innovative solutions to problems, including greenhouse gas emissions, urban heat island effect, stormwater management, lack of green space, and vandalism. The director, with advice from other appropriate state agencies and interested parties, is authorized to make grants to provide assistance of 25 to 90% of costs for projects meeting guidelines established by the State Board of Forestry and Fire Protection, upon recommendation by the director.*

*This bill would allow the director to waive the cost sharing requirement if the funding source for a grant prohibits cost sharing requirements.*

*(7) Existing law authorizes the issuance of environmental license plates, as defined, for vehicles, upon application and upon payment of certain fees. All revenue derived from the fees for issuance, renewal, retention, duplication, and transfer of the plates is required to be deposited in the California Environmental License Plate Fund in the State Treasury.*

*This bill would increase the fees for issuance, renewal, retention, duplication, and transfer of environmental license plates.*

*(8) The Energy Conservation Assistance Act of 1979 (act) establishes the State Energy Conservation Assistance Account (account), a continuously appropriated account, that is administered by the State Energy Resources Conservation and Development Commission to provide grants and loans to various public entities to maximize energy use savings in existing and planned buildings and facilities. The act authorizes the commission to approve an application for a loan only in those instances where the applicant demonstrates that the costs of the project, plus interest on state funds loaned, will be recovered through savings in the cost of energy to the institution during the repayment period. The act authorizes the commission to make grants in an amount that does not exceed 5% of the annual appropriation from the account. The act authorizes the commission to expend funds from the account for the actual administrative costs to the commission in implementing the act in an amount that does not exceed 5% of the total appropriation. The act also requires, in specified circumstances, the commission to*

*periodically set interest rates on loans based on surveys of existing financial markets and at rates not less than 3% per annum.*

*This bill would authorize the commission to make grants in an amount that does not exceed 5% of, and to recover its administrative costs in an amount that does not exceed 5% of, the annual unencumbered balance in the account as determined by the commission on July 1 of each fiscal year. This bill would also require the commission to set the interest rate at not less than 1% per annum.*

*The federal Energy Independence and Security Act of 2007 establishes the Energy Efficiency and Conservation Block Grant Program to provide funds to the state to assist eligible entities in improving energy efficiency and reducing the total energy use of eligible entities. Existing law authorizes the commission to undertake certain actions and to administer a block grant program funded by the federal Energy Independence and Security Act of 2007 to reduce fossil fuel emission, improve energy efficiency, and reduce overall energy use. Existing law authorizes the commission to recover certain administrative expenses incurred in implementing the block grant program. Existing law prohibits the commission from expending more than 5% of the federal funds received for allowable administrative costs.*

*This bill would authorize the commission to administer funds appropriated by the federal American Recovery and Reinvestment Act of 2009 for the Energy Efficiency and Conservation Block Grant Program and to award contracts, grants, and loans for energy-related projects. The bill would additionally specify that the recoverable administrative costs include costs related, but not limited, to reporting, recordkeeping, and evaluation activities required by federal law, as well as implementing regulations and guidelines. The bill would authorize the commission to adopt guidelines implementing the block grant program and would subject the awarding of grants and loans to an appeal to the commission upon a showing that the award is based on factors other than those described in the guidelines.*

*This bill would make an appropriation by requiring that the repayment of loans made in accordance with the federal acts be deposited into the account and used to make additional loans pursuant to above provisions.*

*This bill would also establish in the State Treasury the Energy Efficient State Property Revolving Fund. The money in the fund would be continuously appropriated to the Department of General Services for loans for projects on state-owned buildings and facilities to achieve greater, long-term energy efficiency, energy conservation, and energy*

*cost and use avoidance, to be allocated as specified. For the fiscal year beginning July 1, 2009, the bill would require \$25,000,000 to be transferred into the fund from money received by the commission pursuant to the federal American Recovery and Reinvestment Act of 2009. On or before January 1, 2010, and annually thereafter, the bill would require the department, in collaboration with the commission, to submit a report to the Legislature, containing specified information. The bill would require any repayment of loans made pursuant to this authority to be deposited into the fund, thereby making an appropriation.*

*(9) The California Oil Recycling Enhancement Act, administered by the California Integrated Waste Management Board, among other things, defines terms and establishes the used oil recycling program. The act requires the board to deposit all revenues received pursuant to the act, in the California Used Oil Recycling Fund, part of which is continuously appropriated to the board to pay recycling incentives, to provide a reserve for contingencies, to make specified block grants for implementation of certain local used oil collection programs in a total amount equal to \$10,000,000 or one-half the amount remaining in the fund after specified expenditures are made, for certain grants and loans, and for reimbursement for certain disposal costs of contaminated used oil.*

*This bill would require the board, during fiscal years 2009–10 and 2010–11, to apply any necessary reductions to block grants in an equitable manner that takes into account prior year block grants that are held in reserves by local organizations as available resources for grantees to use in their operations.*

*(10) Under existing law, the Department of Water Resources operates the State Water Resources Development System.*

*This bill would require the department, on or before January 10, 2010, and annually thereafter, to prepare and submit to the fiscal committees of the Legislature a report that describes the budget of the State Water Resources Development System.*

*(11) The California Bay-Delta Authority Act establishes in the Natural Resources Agency the California Bay-Delta Authority. The act requires the authority and the implementing agencies to carry out programs, projects, and activities necessary to implement the California Bay-Delta Program. The act requires the authority to develop policies and make decisions at program milestones, and to provide direction to achieve balanced implementation, integration, and continuous improvement in all program elements, including the science element.*

*This bill would require the authority to post on its Internet Web site information relating to the awarding of grants that implement the science element of the CALFED Bay-Delta Program.*

~~The~~

(12) *The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on July 1, 2009.*

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on July 1, 2009, pursuant to the California Constitution.

(13) *This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 25173.6 of the Health and Safety Code*
- 2     *is amended to read:*
- 3     25173.6. (a) There is in the General Fund the Toxic Substances
- 4     Control Account, which shall be administered by the director. In
- 5     addition to any other money that may be appropriated by the
- 6     Legislature to the Toxic Substances Control Account, all of the
- 7     following shall be deposited in the account:
- 8     (1) The fees collected pursuant to Section 25205.6.
- 9     (2) The fees collected pursuant to Section 25187.2, to the extent
- 10    that those fees are for oversight of a removal or remedial action
- 11    taken under Chapter 6.8 (commencing with Section 25300) or
- 12    Chapter 6.85 (commencing with Section 25396).
- 13    (3) Fines or penalties collected pursuant to this chapter, Chapter
- 14    6.8 (commencing with Section 25300) or Chapter 6.85
- 15    (commencing with Section 25396), except as directed otherwise
- 16    by Section 25192.
- 17    (4) Interest earned upon money deposited in the Toxic
- 18    Substances Control Account.
- 19    (5) All money recovered pursuant to Section 25360, except any
- 20    amount recovered on or before June 30, 2006, that was paid from
- 21    the Hazardous Substance Cleanup Fund.

1 (6) All money recovered pursuant to Section 25380.

2 (7) Reimbursements for funds expended from the Toxic  
3 Substances Control Account for services provided by the  
4 department, including, but not limited to, reimbursements required  
5 pursuant to Sections 25201.9 and 25343.

6 (8) Money received from the federal government pursuant to  
7 the federal Comprehensive Environmental Response,  
8 Compensation, and Liability Act of 1980, as amended (42 U.S.C.  
9 Sec. 9601 et seq.).

10 (9) Money received from responsible parties for remedial action  
11 or removal at a specific site, except as otherwise provided by law.

12 (b) The funds deposited in the Toxic Substances Control  
13 Account may be appropriated to the department for the following  
14 purposes:

15 (1) The administration and implementation of the following:

16 (A) Chapter 6.8 (commencing with Section 25300), except that  
17 funds shall not be expended from the Toxic Substances Control  
18 Account for purposes of Section 25354.5.

19 (B) Chapter 6.85 (commencing with Section 25396).

20 (C) Article 10 (commencing with Section 7710) of Chapter 1  
21 of Division 4 of the Public Utilities Code, to the extent the  
22 department has been delegated responsibilities by the secretary  
23 for implementing that article.

24 (D) *Activities of the department related to pollution prevention*  
25 *and technology development, authorized pursuant to this chapter.*

26 (2) The administration of the following units, *and successor*  
27 *organizations of those units*, within the department, *and the*  
28 *implementation of programs administered by those units or*  
29 *successor organizations*:

30 (A) The Human and Ecological Risk Division.

31 (B) The ~~Hazardous Materials~~ *Environmental Chemistry*  
32 *Laboratory*.

33 (C) The Office of Pollution Prevention and Technology  
34 Development.

35 (3) For allocation to the Office of Environmental Health Hazard  
36 Assessment, pursuant to an interagency agreement, to assist the  
37 department as needed in administering the programs described in  
38 subparagraphs (A) and (B) of paragraph (1).



1 (4) For allocation to the State Board of Equalization to pay  
2 refunds of fees collected pursuant to Section 43054 of the Revenue  
3 and Taxation Code.

4 (5) For the state share mandated pursuant to paragraph (3) of  
5 subsection (c) of Section 104 of the federal Comprehensive  
6 Environmental Response, Compensation, and Liability Act of  
7 1980, as amended (42 U.S.C. Sec. 9604(c)(3)).

8 (6) For the purchase by the state, or by a local agency with the  
9 prior approval of the director, of hazardous substance response  
10 equipment and other preparations for response to a release of  
11 hazardous substances. However, all equipment shall be purchased  
12 in a cost-effective manner after consideration of the adequacy of  
13 existing equipment owned by the state or the local agency, and the  
14 availability of equipment owned by private contractors.

15 (7) For payment of all costs of removal and remedial action  
16 incurred by the state, or by ~~any~~ a local agency with the approval  
17 of the director, in response to a release or threatened release of a  
18 hazardous substance, to the extent the costs are not reimbursed by  
19 the federal Comprehensive Environmental Response,  
20 Compensation, and Liability Act of 1980, as amended (42 U.S.C.  
21 Sec. 9601 et seq.).

22 (8) For payment of all costs of actions taken pursuant to  
23 subdivision (b) of Section 25358.3, to the extent that these costs  
24 are not paid by the federal Comprehensive Environmental  
25 Response, Compensation, and Liability Act of 1980, as amended  
26 (42 U.S.C. Sec. 9601 et seq.).

27 (9) For all costs incurred by the department in cooperation with  
28 the Agency for Toxic Substances and Disease Registry established  
29 pursuant to subsection (i) of Section 104 of the federal  
30 Comprehensive Environmental Response, Compensation, and  
31 Liability Act of 1980, as amended (42 U.S.C. Sec. 9604(i)) and  
32 all costs of health effects studies undertaken regarding specific  
33 sites or specific substances at specific sites. Funds appropriated  
34 for this purpose shall not exceed five hundred thousand dollars  
35 (\$500,000) in ~~any~~ a single fiscal year. However, these actions shall  
36 not duplicate reasonably available federal actions and studies.

37 (10) For repayment of the principal of, and interest on, bonds  
38 sold pursuant to Article 7.5 (commencing with Section 25385) of  
39 Chapter 6.8.

1 (11) For the reasonable and necessary administrative costs and  
2 expenses of the Hazardous Substance Cleanup Arbitration Panel  
3 created pursuant to Section 25356.2.

4 (12) Direct site remediation costs.

5 (13) For the department's expenses for staff to perform oversight  
6 of investigations, characterizations, removals, remediations, or  
7 long-term operation and maintenance.

8 (14) For the administration and collection of the fees imposed  
9 pursuant to Section 25205.6.

10 (15) For allocation to the office of the Attorney General,  
11 pursuant to an interagency agreement or similar mechanism, for  
12 the support of the Toxic Substance Enforcement Program in the  
13 office of the Attorney General, in carrying out the purposes of  
14 Chapter 6.8 (commencing with Section 25300) and Chapter 6.85  
15 (commencing with Section 25396).

16 (16) For funding the California Environmental Contaminant  
17 Biomonitoring Program established pursuant to Chapter 8  
18 (commencing with Section 105440) of Part 5 of Division 103.

19 (c) The funds deposited in the Toxic Substances Control  
20 Account may be appropriated by the Legislature to the Office of  
21 Environmental Health Hazard Assessment and the State  
22 Department of Public Health for the purposes of carrying out their  
23 duties pursuant to the California Environmental Contaminant  
24 Biomonitoring Program (Chapter 8 (commencing with Section  
25 105440) of Part 5 of Division 103).

26 (d) The director shall expend federal funds in the Toxic  
27 Substances Control Account consistent with the requirements  
28 specified in Section 114 of the federal Comprehensive  
29 Environmental Response, Compensation, and Liability Act of  
30 1980, as amended (42 U.S.C. Sec. 9614), upon appropriation by  
31 the Legislature, for the purposes for which they were provided to  
32 the state.

33 (e) Money in the Toxic Substances Control Account shall not  
34 be expended to conduct removal or remedial actions if ~~any~~ *a*  
35 significant portion of the hazardous substances to be removed or  
36 remedied originated from a source outside the state.

37 (f) The Director of Finance, upon request of the director, may  
38 make a loan from the General Fund to the Toxic Substances  
39 Control Account to meet cash needs. The loan shall be subject to  
40 the repayment provisions of Section 16351 of the Government

1 Code and the interest provisions of Section 16314 of the  
2 Government Code.

3 (g) The Toxic Substances Control Account established pursuant  
4 to subdivision (a) is the successor fund of all of the following:

5 (1) The Hazardous Substance Account established pursuant to  
6 Section 25330, as that section read on June 30, 2006.

7 (2) The Hazardous Substance Clearing Account established  
8 pursuant to Section 25334, as that section read on June 30, 2006.

9 (3) The Hazardous Substance Cleanup Fund established pursuant  
10 to Section 25385.3, as that section read on June 30, 2006.

11 (4) The Superfund Bond Trust Fund established pursuant to  
12 Section 25385.8, as that section read on June 30, 2006.

13 (h) On and after July 1, 2006, all assets, liabilities, and surplus  
14 of the accounts and funds listed in subdivision (g), shall be  
15 transferred to, and become a part of, the Toxic Substances Control  
16 Account, as provided by Section 16346 of the Government Code.  
17 All existing appropriations from these accounts, to the extent  
18 encumbered, shall continue to be available for the same purposes  
19 and periods from the Toxic Substances Control Account.

20 (i) The department, on or before February 1 of each year, shall  
21 report to the Governor and the Legislature on the prior fiscal year's  
22 expenditure of funds within the Toxic Substances Control Account  
23 for the purposes specified in subdivision (b).

24 *SEC. 2. Section 25299.50.2 of the Health and Safety Code is*  
25 *amended to read:*

26 25299.50.2. (a) The Underground Storage Tank Petroleum  
27 Contamination Orphan Site Cleanup Fund is hereby established  
28 in the State Treasury.

29 (b) ~~The~~ (1) *Except as provided in paragraph (2), the sum of*  
30 *ten million dollars (\$10,000,000) is hereby transferred, for each*  
31 *of the 2008–09, 2009–10, and 2010–11 fiscal years, from the*  
32 *Underground Storage Tank Cleanup Fund to the Underground*  
33 *Storage Tank Petroleum Contamination Orphan Site Cleanup Fund;*  
34 *for expenditure upon.*

35 (2) *Available federal moneys may be deposited in the*  
36 *Underground Storage Tank Petroleum Contamination Orphan*  
37 *Site Cleanup Fund. The amount transferred pursuant to paragraph*  
38 *(1) in a fiscal year shall be reduced by the amount of federal*  
39 *moneys deposited in the Underground Storage Tank Petroleum*  
40 *Contamination Orphan Site Cleanup Fund in that fiscal year.*

1     (c) *The board may expend the moneys in the Underground*  
2     *Storage Tank Petroleum Contamination Orphan Site Cleanup*  
3     *Fund, upon appropriation by the Legislature, for the costs of*  
4     response actions to remediate the harm caused by a petroleum  
5     contamination, including contamination caused by a refined product  
6     of petroleum or a petroleum derivative, at a site that meets all of  
7     the following conditions:

8     (1) The site meets the conditions described in paragraph (2) of  
9     subdivision (a) of Section 25395.20.

10    (2) The petroleum contamination is the principal source of  
11    contamination at the site.

12    (3) The source of the petroleum contamination is, or was, an  
13    underground storage tank.

14    (4) A financially responsible party has not been identified to  
15    pay for remediation at the site.

16    (5) *If the expenditure includes federal moneys deposited in the*  
17    *Underground Storage Tank Petroleum Contamination Orphan*  
18    *Site Cleanup Fund, the expenditure at the site is consistent with*  
19    *all applicable requirements for expenditure of the federal moneys.*

20    ~~(e)~~

21    (d) Any funds in the Underground Storage Tank Petroleum  
22    Contamination Orphan Site Cleanup Fund that are not expended  
23    in the 2009–10, 2010–11, or 2011–12 fiscal years shall remain in  
24    the Underground Storage Tank Petroleum Contamination Orphan  
25    Site Cleanup Fund until they are encumbered.

26    ~~(d)~~

27    (e) Notwithstanding Section 16304.1 of the Government Code,  
28    a disbursement in liquidation of an encumbrance may be made  
29    before or during the four years following the last day the  
30    appropriation is available for encumbrance.

31    ~~(e)~~

32    (f) A recipient of a grant that was awarded pursuant to former  
33    Section 25299.50.2, as that section read on December 31, 2007,  
34    and whose encumbrance under the grant was not liquidated within  
35    the time period prescribed in Section 16304.1 of the Government  
36    Code, may receive the undisbursed balance of the encumbrance  
37    from the Underground Storage Tank Petroleum Contamination  
38    Orphan Site Cleanup Fund consistent with the terms of the grant  
39    until June 30, 2011.

1     *SEC. 3. Section 25404 of the Health and Safety Code is*  
2     *amended to read:*

3     25404. (a) For purposes of this chapter, the following terms  
4     shall have the following meanings:

5     (1) (A) “Certified Unified Program Agency” or “CUPA” means  
6     the agency certified by the secretary to implement the unified  
7     program specified in this chapter within a jurisdiction.

8     (B) “Participating Agency” or “PA” means a state or local  
9     agency that has a written agreement with the CUPA pursuant to  
10    subdivision (d) of Section 25404.3, and is approved by the  
11    secretary, to implement or enforce one or more of the unified  
12    program elements specified in subdivision (c), in accordance with  
13    Sections 25404.1 and 25404.2.

14    (C) “Unified Program Agency” or “UPA” means the CUPA, or  
15    its participating agencies to the extent each PA has been designated  
16    by the CUPA, pursuant to a written agreement, to implement or  
17    enforce a particular unified program element specified in  
18    subdivision (c). The UPAs have the responsibility and authority  
19    to implement and enforce the requirements listed in subdivision  
20    (c), and the regulations adopted to implement the requirements  
21    listed in subdivision (c), to the extent provided by Chapter 6.5  
22    (commencing with Section 25100), Chapter 6.67 (commencing  
23    with Section 25270), Chapter 6.7 (commencing with Section  
24    25280), Chapter 6.95 (commencing with Section 25500), and  
25    Sections 25404.1 and 25404.2. After a CUPA has been certified  
26    by the secretary, the unified program agencies and the state  
27    agencies carrying out responsibilities under this chapter shall be  
28    the only agencies authorized to enforce the requirements listed in  
29    subdivision (c) within the jurisdiction of the CUPA.

30    (2) “Department” means the Department of Toxic Substances  
31    Control.

32    (3) “Minor violation” means the failure of a person to comply  
33    with ~~any~~ a requirement or condition of ~~any~~ an applicable law,  
34    regulation, permit, information request, order, variance, or other  
35    requirement, whether procedural or substantive, of the unified  
36    program that the UPA is authorized to implement or enforce  
37    pursuant to this chapter, and that does not otherwise include any  
38    of the following:

1 (A) A violation that results in injury to persons or property, or  
2 that presents a significant threat to human health or the  
3 environment.

4 (B) A knowing, willful, or intentional violation.

5 (C) A violation that is a chronic violation, or that is committed  
6 by a recalcitrant violator. In determining whether a violation is  
7 chronic or a violator is recalcitrant, the UPA shall consider whether  
8 there is evidence indicating that the violator has engaged in a  
9 pattern of neglect or disregard with respect to applicable regulatory  
10 requirements.

11 (D) A violation that results in an emergency response from a  
12 public safety agency.

13 (E) A violation that enables the violator to benefit economically  
14 from the noncompliance, either by reduced costs or competitive  
15 advantage.

16 (F) A class I violation as provided in Section 25117.6.

17 (G) A class II violation committed by a chronic or a recalcitrant  
18 violator, as provided in Section 25117.6.

19 (H) A violation that hinders the ability of the UPA to determine  
20 compliance with any other applicable local, state, or federal rule,  
21 regulation, information request, order, variance, permit, or other  
22 requirement.

23 (4) “Secretary” means the Secretary for Environmental  
24 Protection.

25 (5) “Unified program facility” means all contiguous land and  
26 structures, other appurtenances, and improvements on the land  
27 that are subject to the requirements listed in subdivision (c).

28 (6) “Unified program facility permit” means a permit issued  
29 pursuant to this chapter. For the purposes of this chapter, a unified  
30 program facility permit encompasses the permitting requirements  
31 of Section 25284, and ~~any~~ permit or authorization requirements  
32 under ~~any~~ a local ordinance or regulation relating to the generation  
33 or handling of hazardous waste or hazardous materials, but does  
34 not encompass the permitting requirements of a local ordinance  
35 that incorporates provisions of the Uniform Fire Code or the  
36 Uniform Building Code.

37 (b) The secretary shall adopt implementing regulations and  
38 implement a unified hazardous waste and hazardous materials  
39 management regulatory program, which shall be known as the  
40 unified program, after holding an appropriate number of public

1 hearings throughout the state. The unified program shall be  
2 developed in close consultation with the director, the ~~Director of~~  
3 ~~the Office of Emergency Services~~ *Secretary of California*  
4 *Emergency Management*, the State Fire Marshal, the executive  
5 officers and chairpersons of the State Water Resources Control  
6 Board and the California regional water quality control boards,  
7 the local health officers, local fire services, and other appropriate  
8 officers of interested local agencies, and affected businesses and  
9 interested members of the public, including environmental  
10 organizations.

11 (c) The unified program shall consolidate the administration of  
12 the following requirements; and ~~shall~~, to the maximum extent  
13 feasible within statutory constraints, *shall* ensure the coordination  
14 and consistency of any regulations adopted pursuant to those  
15 requirements:

16 (1) (A) Except as provided in subparagraphs (B) and (C), the  
17 requirements of Chapter 6.5 (commencing with Section 25100),  
18 and the regulations adopted by the department pursuant thereto,  
19 are applicable to all of the following:

20 (i) Hazardous waste generators, persons operating pursuant to  
21 a permit-by-rule, conditional authorization, or conditional  
22 exemption, pursuant to Chapter 6.5 (commencing with Section  
23 25100) or the regulations adopted by the department.

24 (ii) Persons managing perchlorate materials.

25 (iii) Persons subject to Article 10.1 (commencing with Section  
26 25211) of Chapter 6.5.

27 (B) The unified program shall not include the requirements of  
28 paragraph (3) of subdivision (c) of Section 25200.3, the  
29 requirements of Sections 25200.10 and 25200.14, and the authority  
30 to issue an order under Sections 25187 and 25187.1, with regard  
31 to those portions of a unified program facility that are subject to  
32 one of the following:

33 (i) A corrective action order issued by the department pursuant  
34 to Section 25187.

35 (ii) An order issued by the department pursuant to Chapter 6.8  
36 (commencing with Section 25300) or Chapter 6.85 (commencing  
37 with Section 25396).

38 (iii) A remedial action plan approved pursuant to Chapter 6.8  
39 (commencing with Section 25300) or Chapter 6.85 (commencing  
40 with Section 25396).

1 (iv) A cleanup and abatement order issued by a California  
2 regional water quality control board pursuant to Section 13304 of  
3 the Water Code, to the extent that the cleanup and abatement order  
4 addresses the requirements of the applicable section or sections  
5 listed in this subparagraph.

6 (v) Corrective action required under subsection (u) of Section  
7 6924 of Title 42 of the United States Code or subsection (h) of  
8 Section 6928 of Title 42 of the United States Code.

9 (vi) An environmental assessment pursuant to Section 25200.14  
10 or a corrective action pursuant to Section 25200.10 or paragraph  
11 (3) of subdivision (c) of Section 25200.3, that is being overseen  
12 by the department.

13 (C) The unified program shall not include the requirements of  
14 Chapter 6.5 (commencing with Section 25100), and the regulations  
15 adopted by the department pursuant thereto, applicable to persons  
16 operating transportable treatment units, except that any required  
17 notice regarding transportable treatment units shall also be provided  
18 to the CUPAs.

19 (2) The requirements of Chapter 6.67 (commencing with Section  
20 25270) concerning aboveground storage tanks.

21 (3) (A) Except as provided in subparagraphs (B) and (C), the  
22 requirements of Chapter 6.7 (commencing with Section 25280)  
23 concerning underground storage tanks and the requirements of any  
24 underground storage tank ordinance adopted by a city or county.

25 (B) The unified program—~~may~~ *shall* not include the  
26 responsibilities assigned to the State Water Resources Control  
27 Board pursuant to Section 25297.1.

28 (C) The unified program—~~may~~ *shall* not include the corrective  
29 action requirements of Sections 25296.10 to 25296.40, inclusive.

30 (4) The requirements of Article 1 (commencing with Section  
31 25500) of Chapter 6.95 concerning hazardous material release  
32 response plans and inventories.

33 (5) The requirements of Article 2 (commencing with Section  
34 25531) of Chapter 6.95, concerning the accidental release  
35 prevention program.

36 (6) The requirements of subdivisions (b) and (c) of Section  
37 80.103 of the Uniform Fire Code, as adopted by the State Fire  
38 Marshal pursuant to Section 13143.9 concerning hazardous material  
39 management plans and inventories.



1 (d) To the maximum extent feasible within statutory constraints,  
2 the secretary shall consolidate, coordinate, and make consistent  
3 these requirements of the unified program with other requirements  
4 imposed by other federal, state, regional, or local agencies upon  
5 facilities regulated by the unified program.

6 (e) (1) The secretary shall establish standards applicable to  
7 CUPAs, participating agencies, state agencies, and businesses  
8 specifying the data to be collected and submitted by unified  
9 program agencies in administering the programs listed in  
10 subdivision (c). Those standards shall incorporate any standard  
11 developed under Section 25503.3.

12 (2) (A) No later than January 1, 2010, the secretary shall  
13 establish a statewide information management system capable of  
14 receiving all data collected by the unified program agencies and  
15 reported by regulated businesses pursuant to this subdivision and  
16 Section 25504.1, in a manner that is most cost efficient and  
17 effective for both the regulated businesses and state and local  
18 agencies. The secretary shall prescribe an XML or other compatible  
19 Web-based format for the transfer of data from CUPAs and  
20 regulated businesses and make all nonconfidential data available  
21 on the Internet.

22 (B) The secretary shall establish milestones to measure the  
23 implementation of the statewide information management system  
24 and shall provide periodic status updates to interested parties.

25 (3) (A) (i) Except as provided in subparagraph (B), in addition  
26 to any other funding that becomes available, the secretary shall  
27 increase the oversight surcharge provided for in subdivision (b)  
28 of Section 25404.5 by an amount necessary to meet the  
29 requirements of this subdivision for a period of three years, to  
30 establish the statewide information management system, consistent  
31 with paragraph (2). The increase in the oversight surcharge shall  
32 not exceed twenty-five dollars (\$25) in any one year of the  
33 three-year period. The secretary shall thereafter maintain the  
34 statewide information management system, funded by the  
35 assessment the secretary is authorized to impose pursuant to  
36 Section 25404.5.

37 (ii) No less than 75 percent of the additional funding raised  
38 pursuant to clause (i) shall be provided to CUPAs and PAs through  
39 grant funds *or statewide contract services*, in the amounts

1 determined by the secretary to assist these local agencies in meeting  
2 these information management system requirements.

3 (B) A facility that is owned or operated by the federal  
4 government and that is subject to the unified program shall pay  
5 the surcharge required by this paragraph to the extent authorized  
6 by federal law.

7 (C) The secretary, or one or more of the boards, departments,  
8 or offices within the California Environmental Protection Agency,  
9 shall seek available federal funding for purposes of implementing  
10 this subdivision.

11 (4) No later than three years after the statewide information  
12 management system is established, each CUPA, PA, and regulated  
13 business shall report program data electronically. The secretary  
14 shall work with the CUPAs to develop a phased in schedule for  
15 the electronic collection and submittal of information to be included  
16 in the statewide information management system, giving first  
17 priority to information relating to those chemicals determined by  
18 the secretary to be of greatest concern. The secretary, in making  
19 this determination shall consult with the CUPAs, the ~~Office of~~  
20 ~~Emergency Services~~ *California Emergency Management Agency*,  
21 the State Fire Marshal, and the boards, departments, and offices  
22 within the California Environmental Protection Agency. The  
23 information initially included in the statewide information  
24 management system shall include, but is not limited to, the  
25 hazardous materials inventory information required to be submitted  
26 pursuant to Section 25504.1 for perchlorate materials.

27 (5) The secretary, in collaboration with the CUPAs, shall provide  
28 technical assistance to regulated businesses to comply with the  
29 electronic reporting requirements and may expend funds identified  
30 in clause (i) of subparagraph (A) of paragraph (3) for that purpose.

31 *SEC. 4. Section 4464 of the Public Resources Code is amended*  
32 *to read:*

33 4464. Unless the context clearly requires otherwise, the  
34 following definitions govern the construction of this chapter:

35 (a) ~~“Wild land” means any land that is classified as a state~~  
36 ~~responsibility area pursuant to Article 3 (commencing with Section~~  
37 ~~4125) of Chapter 1 and includes any land having a flammable plant~~  
38 ~~cover. “Wild land” also means any land not classified as a state~~  
39 ~~responsibility area where the geographic location of these lands~~  
40 ~~and accumulation of wild land fuel is such that a wild land fire~~

1 occurring on these lands would pose a threat to a state  
2 responsibility area.

3 (b) “Wild land fuel” means any timber, brush, grass, or other  
4 flammable vegetation, living or dead, standing or down.

5 (c) “Wild land fire” means any uncontrolled fire burning on  
6 wild land.

7 (d) “Prescribed burning” or “prescribed burning operation”  
8 means the planned application and confinement of fire to wild land  
9 fuels on lands selected in advance of that application to achieve  
10 any of the following objectives:

11 (1) Prevention of high-intensity wild land fires through reduction  
12 of the volume and continuity of wild land fuels.

13 (2) Watershed management.

14 (3) Range improvement.

15 (4) Vegetation management.

16 (5) Forest improvement.

17 (6) Wildlife habitat improvement.

18 (7) Air quality maintenance.

19 (e) “Prescribed burn crew” means personnel and firefighting  
20 equipment of the department that are prepared to contain fire set  
21 in a prescribed burning operation and to suppress any fire that  
22 escapes during a prescribed burning operation.

23 (f) “Person” means any natural person, firm, association,  
24 partnership, business trust, corporation, limited liability company,  
25 company, or combination thereof, or any public agency other than  
26 an agency of the federal government.

27 (g) “Hazardous fuel reduction” means the application of  
28 practices to wild lands, the primary impact of which to the  
29 vegetation is generally limited to the reduction of surface and  
30 ladder wild land fuels. These practices include, but are not limited,  
31 to prescribed fire, piling by machine or by hand in preparation for  
32 burning, thinning, pruning, or grazing. Treatments that reduce  
33 crown densities shall be prescribed only for the purpose of  
34 impacting fire behavior, and where it can be reasonably concluded  
35 based on the proposed treatment that the likelihood for the  
36 formation of crown fires is reduced.

37 (a) “Hazardous fuel reduction” means the application of  
38 practices to wild lands, the primary impact of which to the  
39 vegetation is generally limited to the reduction of surface and  
40 ladder wild land fuels. These practices include, but are not limited

1 to, prescribed fire, piling by machine or by hand in preparation  
2 for burning, thinning, pruning, or grazing. Treatments that reduce  
3 crown densities shall be prescribed only for the purpose of  
4 impacting fire behavior, and if it can be reasonably concluded,  
5 based on the proposed treatment, that the likelihood for the  
6 formation of crown fires is reduced.

7 (b) “Nonprofit organization” means any California corporation  
8 organized under Section 501(c)(3) or 501(c)(4) of the federal  
9 Internal Revenue Code.

10 (c) “Person” means any natural person, firm, association,  
11 partnership, business trust, corporation, limited liability company,  
12 company, nonprofit organization, or a combination of those, or  
13 any public agency other than an agency of the federal government.

14 (d) “Prescribed burn crew” means personnel and firefighting  
15 equipment of the department that are prepared to contain fire set  
16 in a prescribed burning operation and to suppress any fire that  
17 escapes during a prescribed burning operation.

18 (e) “Prescribed burning” or “prescribed burning operation”  
19 means the planned application and confinement of fire to wild  
20 land fuels on lands selected in advance of that application to  
21 achieve any of the following objectives:

22 (1) Prevention of high-intensity wild land fires through reduction  
23 of the volume and continuity of wild land fuels.

24 (2) Watershed management.

25 (3) Range improvement.

26 (4) Vegetation management.

27 (5) Forest improvement.

28 (6) Wildlife habitat improvement.

29 (7) Air quality maintenance.

30 (f) “Wild land” means any land that is classified as a state  
31 responsibility area pursuant to Article 3 (commencing with Section  
32 4125) of Chapter 1 and includes any land having a flammable  
33 plant cover. “Wild land” also means any land not classified as a  
34 state responsibility area where the geographic location of these  
35 lands and accumulation of wild land fuel is such that a wild land  
36 fire occurring on these lands would pose a threat to a state  
37 responsibility area.

38 (g) “Wild land fire” means any uncontrolled fire burning on  
39 wild land.

1 (h) “Wild land fuel” means any timber, brush, grass, or other  
2 flammable vegetation, living or dead, standing or down.

3 SEC. 5. Section 4475 of the Public Resources Code is amended  
4 to read:

5 4475. (a) The director, ~~with the approval of the Director of~~  
6 ~~General Services,~~ may enter into ~~a contract~~ *an agreement, including*  
7 *a grant agreement,* for prescribed burning or other hazardous fuel  
8 reduction that is consistent with this chapter and the regulations  
9 of the board with ~~(1) either~~ the owner or any other person who  
10 has legal control of any property or ~~(2) any~~ public agency with  
11 regulatory or natural resource management authority over any  
12 property that is included within any wild land for any of the  
13 following purposes, or any combination ~~thereof~~ *of those purposes:*

14 (a)

15 (1) Prevention of high-intensity wild land fires through reduction  
16 of the volume and continuity of wild land fuels.

17 (b)

18 (2) Watershed management.

19 (c)

20 (3) Range improvement.

21 (d)

22 (4) Vegetation management.

23 (e)

24 (5) Forest improvement.

25 (f)

26 (6) Wildlife habitat improvement.

27 (g)

28 (7) Air quality maintenance.

29 ~~No contract may~~

30 (b) *An agreement shall not* be entered into pursuant to this  
31 section unless the director determines that the public benefits  
32 estimated to be derived from the prescribed burning or other  
33 hazardous fuel reduction pursuant to ~~the contract~~ *agreement* will  
34 be equal to or greater than the foreseeable damage that could result  
35 from the prescribed burning or other hazardous fuel reduction.

36 SEC. 6. Section 4475.5 of the Public Resources Code is  
37 amended to read:

38 4475.5. (a) The state may assume a proportionate share of the  
39 costs of site preparation and prescribed burning or other hazardous  
40 fuel reduction conducted pursuant to this article on wild lands

1 other than wild lands under the jurisdiction of the federal  
2 government. The state's share of those costs shall bear the same  
3 ratio to the total costs of the operation as the public benefits bear  
4 to all public and private benefits to be derived from the prescribed  
5 burning operation or other hazardous fuel reduction, as estimated  
6 and determined by the director. The state's share of the costs may  
7 exceed 90 percent of the total costs of the operation only if the  
8 director determines that no direct private economic benefits will  
9 accrue or will be utilized by a person that owns or controls any  
10 property under contract pursuant to Section 4475.

11 (b) The board shall adopt regulations establishing standards to  
12 be used by the director in determining the state's share of these  
13 costs and in determining whether, pursuant to Section 4475, the  
14 public benefits of a prescribed burning operation or other hazardous  
15 fuel reduction will equal or exceed the foreseeable damage  
16 therefrom.

17 (c) The determination of public and private benefits pursuant  
18 to this section shall reflect any substantial benefit to be derived  
19 from accomplishing any of the purposes specified in Section 4475  
20 and the prevention of degradation of air quality.

21 (d) All or part of these costs to be borne by the person  
22 contracting with the department may be met by the value of  
23 materials, services, or equipment furnished by that person directly,  
24 or furnished by that person pursuant to an agreement with a private  
25 consultant or contractor, or furnished by a combination of both  
26 means, that are determined by the department to be suitable for  
27 the preparation for, and the conduct of, the prescribed burning  
28 operation or other hazardous fuel reduction.

29 (e) *The director may accept grants and donations of equipment,*  
30 *materials, or funds from any source for the purpose of supporting*  
31 *or facilitating the prescribed burning or other hazardous fuels*  
32 *reduction work undertaken pursuant to this chapter. The director*  
33 *may waive the cost sharing requirements of this chapter if the*  
34 *funding source prohibits cost sharing requirements.*

35 SEC. 7. Section 4799.04 of the Public Resources Code is  
36 amended to read:

37 4799.04. To effectuate the purposes of this chapter, the  
38 department is authorized to:

39 (a) Collect or contract for adequate supplies of high-quality seed  
40 and take whatever steps are necessary to insure to the maximum

1 degree feasible that seeds or seedlings planted as part of forest  
2 resource improvement projects undertaken pursuant to this chapter  
3 are adapted to the planting site and measures are taken to assure  
4 appropriate diversity of forest species.

5 (b) Contract for seedling production and, in cooperation with  
6 other state, local, and federal agencies, encourage the production  
7 of seedlings needed to accomplish reforestation in the state by  
8 small business entities in or near areas where planting will be  
9 carried out.

10 (c) Provide technical assistance to private seedling nurseries  
11 and conduct a program for certification of the quality and  
12 adaptability of seeds and tree seedlings supplied for forest resource  
13 improvement projects undertaken pursuant to this chapter.

14 (d) Increase availability of genetically improved seed and  
15 planting stock by expansion of seed orchards or other recognized  
16 tree improvement techniques.

17 (e) In cooperation with other public and private entities or  
18 persons:

19 (1) Conduct necessary research and take other appropriate  
20 measures to protect the genetic integrity and diversity of forest  
21 tree species, including, but not limited to, a seed depository.

22 (2) Conduct research and make grants or enter into contracts or  
23 cooperative agreements with public and private entities or persons  
24 concerning measures to increase the contribution of trees to  
25 improve the natural environment and economy of the state and  
26 measures to otherwise accomplish the purposes of this chapter.

27 (f) Purchase necessary equipment or materials and, in  
28 accordance with the State Civil Service Act (commencing with  
29 Section 18570 of the Government Code), appoint such deputies,  
30 officers, and other employees as may be necessary.

31 (g) In cooperation with other public and private entities and  
32 persons, establish such training and educational programs as may  
33 be appropriate to increase the number of workers with necessary  
34 skills to carry out seed collection, seedling production, and forest  
35 resource improvement projects.

36 (h) To accept grants and donations of equipment, seedlings,  
37 materials, or funds from any source for the purpose of supporting  
38 or facilitating forest resource improvement work undertaken  
39 pursuant to the provisions of this chapter. Any funds received shall  
40 be deposited by the director in the Forest Resource Improvement

1 Fund established pursuant to Chapter 3 (commencing with Section  
2 4799.13) of this part. *No federal funds received as part of the*  
3 *American Recovery and Reinvestment Act (Public Law 111- 5)*  
4 *shall be deposited into the Forest Resources Improvement Fund.*

5 (i) *Waive the landowner cost sharing requirements of this*  
6 *chapter if the funding source for the authorized forest improvement*  
7 *work prohibits cost sharing requirements.*

8 SEC. 8. *Section 4799.12 of the Public Resources Code is*  
9 *amended to read:*

10 4799.12. The director, with advice from other appropriate state  
11 agencies and interested parties, may make grants to provide  
12 assistance of 25 to 90 percent of costs for projects meeting  
13 guidelines established by the board upon recommendation by the  
14 director. The director may waive the cost-share sharing requirement  
15 for projects that are in disadvantaged and severely disadvantaged  
16 communities. Grants may be made to cities, counties, districts,  
17 and nonprofit organizations. *The director may also waive the cost*  
18 *sharing requirement if the funding source for a grant prohibits*  
19 *cost sharing requirements.* Contributions required as a condition  
20 of grants made pursuant to this section may be made in the form  
21 of material, services, or equipment, or funds. Authorized assistance  
22 may include, but is not limited to, any of the following needs:

23 (a) Funding for development of urban tree plans that include  
24 coordination of local agency efforts and citizen involvement.

25 (b) Funding for development of urban tree plans that include  
26 coordination of multiple jurisdictions, multiple agency efforts, and  
27 citizen involvement.

28 (c) Funding for development of urban forest master plans or  
29 similar plans designed to provide comprehensive protection,  
30 maintenance, and management of the urban forest.

31 (d) Provision of seedling and tree stock.

32 (e) Tree planting projects.

33 (f) Funding and other assistance to local agencies and nonprofit  
34 organizations for partnerships as follows:

35 (1) Energy saving urban forest programs similar to the Los  
36 Angeles Department of Water and Power's Trees for Green LA  
37 program and the Sacramento Municipal Utility District's  
38 Sacramento Shade Tree program.

39 (2) Developing projects or programs that use urban forests for  
40 water conservation, improving water quality, or stormwater capture.



(3) Developing projects or programs that use urban forests for air quality improvement, reduction in greenhouse gas emissions, or reduction of *urban* heat island effect.

(4) Developing community education and engagement programs on the benefits and proper care of trees.

(g) Funding for the development of training and educational materials on the benefits of the urban forest.

(h) Funding for the development of training and educational materials on proper care and maintenance of trees and the urban forest, including young and mature tree care.

(i) Funding and other assistance, based on criteria developed by the department, for management of urban forests to ensure their survival and ability to optimize the benefits that urban forests provide the community and the environment.

(j) Funding and other assistance for demonstration projects in urban forestry with special attention given to projects or programs assisting the state in meeting the requirements of the Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), improving energy and water conservation, capturing and filtering urban stormwater, improving water quality, reducing the urban heat island effect, improving air quality, and wood and fiber utilization projects, including, but not limited to, biofuel and bioenergy.

(k) Other categories of projects recommended by the director and approved by the board.

*SEC. 9. Section 21191 of the Public Resources Code is amended to read:*

21191. (a) The California Environmental License Plate Fund, which supersedes the California Environmental Protection Program Fund, is continued in existence in the State Treasury, and consists of the moneys deposited in the fund pursuant to any provision of law. The Legislature shall establish the amount of fees for environmental license plates, which shall be not less than ~~forty dollars (\$40)~~ *forty-eight dollars (\$48)* for the issuance or ~~twenty-five dollars (\$25)~~ *thirty-eight dollars (\$38)* for the renewal of an environmental license plate.

(b) The Controller shall transfer from the California Environmental License Plate Fund to the Motor Vehicle Account in the State Transportation Fund the amount appropriated by the Legislature for the reimbursement of costs incurred by the

1 Department of Motor Vehicles in performing its duties pursuant  
2 to Sections 5004, 5004.5, and 5022 and Article 8.5 (commencing  
3 with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code.  
4 The reimbursement from the California Environmental License  
5 Plate Fund shall only include those additional costs which are  
6 directly attributable to any additional duties or special handling  
7 necessary for the issuance, renewal, or retention of the  
8 environmental license plates.

9 (c) The Controller shall transfer to the post fund of the Veterans'  
10 Home of California, established pursuant to Section 1047 of the  
11 Military and Veterans Code, all revenue derived from the issuance  
12 of prisoner of war special license plates pursuant to Section 5101.5  
13 of the Vehicle Code less the administrative costs of the Department  
14 of Motor Vehicles in that regard.

15 (d) The Director of Motor Vehicles shall certify the amounts of  
16 the administrative costs of the Department of Motor Vehicles in  
17 subdivision (c) to the Controller.

18 (e) The balance of the moneys in the California Environmental  
19 License Plate Fund shall be available for expenditure only for the  
20 exclusive trust purposes specified in Section 21190, upon  
21 appropriation by the Legislature. However, all moneys derived  
22 from the issuance of commemorative 1984 Olympic reflectorized  
23 license plates in the California Environmental License Plate Fund  
24 shall be used only for capital outlay purposes.

25 (f) All proposed appropriations for the program shall be  
26 summarized in a section in the Governor's Budget for each fiscal  
27 year and shall bear the caption "California Environmental  
28 Protection Program." The section shall contain a separate  
29 description of each project for which an appropriation is made.  
30 All-~~such~~ of these appropriations shall be made to the department  
31 performing the project and accounted for separately.

32 (g) The budget the Governor presents to the Legislature pursuant  
33 to subdivision (a) of Section 12 of Article IV of the California  
34 Constitution shall include, as proposed appropriations for the  
35 California Environmental Protection Program, only projects and  
36 programs recommended for funding by the Secretary of the *Natural*  
37 Resources Agency pursuant to subdivision (a) of Section 21193.  
38 The Secretary of the *Natural* Resources Agency shall consult with  
39 the Secretary for Environmental Protection before making any

1 recommendations to fund projects pursuant to subdivision (a) of  
2 Section 21190.

3 *SEC. 10. Section 25218 of the Public Resources Code is*  
4 *amended to read:*

5 25218. In addition to other powers specified in this division,  
6 the commission may do any of the following:

7 (a) Apply for and accept grants, contributions, and  
8 appropriations, *and award grants consistent with the goals and*  
9 *objectives of a program or activity the commission is authorized*  
10 *to implement or administer.*

11 (b) Contract for professional services if ~~such~~ *the* work or services  
12 cannot be satisfactorily performed by its employees or by any other  
13 state agency.

14 (c) Be sued and sue.

15 (d) Request and utilize the advice and services of all federal,  
16 state, local, and regional agencies.

17 (e) Adopt any rule or regulation, or take any action, it deems  
18 reasonable and necessary to carry out ~~the provisions of~~ this  
19 division.

20 (f) Adopt rules and regulations, or take any action, it deems  
21 reasonable and necessary to ensure the free and open participation  
22 of any member of the staff in proceedings before the commission.

23 *SEC. 11. Section 25414 of the Public Resources Code is*  
24 *amended to read:*

25 25414. Annually at the conclusion of each fiscal year, but not  
26 later than October 31, each eligible institution ~~which~~ *that* has  
27 received an allocation pursuant to ~~the provisions of~~ this chapter  
28 shall compute the cost of ~~the~~ energy saved as a result of  
29 implementing a project funded by ~~such~~ *the* allocation. ~~Such~~ *The*  
30 cost shall be calculated in a manner prescribed by the commission.

31 *SEC. 12. Section 25415 of the Public Resources Code is*  
32 *amended to read:*

33 25415. (a) Each eligible institution to which an allocation has  
34 been made under this chapter shall repay the principal amount of  
35 the allocation, plus interest, in not more than 30 equal semiannual  
36 payments, as determined by the commission. The first semiannual  
37 payment shall be made on or before December 22 of the fiscal  
38 year following the year in which the project is completed. The  
39 repayment period may not exceed the life of the equipment, as

1 determined by the commission or the lease term of the building in  
2 which the energy conservation measures will be installed.

3 (b) Notwithstanding any other provision of law, the commission  
4 shall, unless it determines that the purposes of this chapter would  
5 be better served by establishing an alternative interest rate schedule,  
6 periodically set interest rates on the loans based on surveys of  
7 existing financial markets and at rates not less than ~~3~~ 1 percent per  
8 annum.

9 (c) The governing body of each eligible institution shall annually  
10 budget an amount at least sufficient to make the semiannual  
11 payments required in this section. The amount shall not be raised  
12 by the levy of additional taxes but shall instead be obtained by a  
13 savings in energy costs or other sources.

14 *SEC. 13. Section 25416 of the Public Resources Code is*  
15 *amended to read:*

16 25416. (a) The State Energy Conservation Assistance Account  
17 is hereby created in the General Fund. Notwithstanding Section  
18 13340 of the Government Code, the account is continuously  
19 appropriated to the commission without regard to fiscal year.

20 (b) The money in the account shall consist of all money  
21 authorized or required to be deposited in the account by the  
22 Legislature and all money received by the commission pursuant  
23 to Sections 25414 and 25415.

24 (c) The money in the account shall be disbursed by the  
25 Controller for the purposes of this chapter as authorized by the  
26 commission.

27 (d) The commission may contract and provide grants for services  
28 to be performed for eligible institutions. Services may include, but  
29 are not limited to, feasibility analysis, project design, field  
30 assistance, and operation and training. The amount expended for  
31 those services may not exceed 10 percent of the *unencumbered*  
32 balance of the account as determined by the commission on July  
33 1 of each year.

34 (e) The commission may make grants *to eligible institutions* for  
35 innovative projects and programs. ~~The~~ *Except as provided in*  
36 *subdivision (d), the* amount expended for grants may not exceed  
37 5 percent of the annual ~~appropriation from the account~~  
38 *unencumbered balance in the account as determined by the*  
39 *commission on July 1 of each fiscal year.*

1 (f) The commission may charge a fee for the services provided  
2 under subdivision (d).

3 (g) Notwithstanding any other provision of law, the Controller  
4 may use the State Energy Conservation Assistance Account for  
5 loans to the General Fund as provided in Sections 16310 and 16381  
6 of the Government Code.

7 *SEC. 14. Section 25420 of the Public Resources Code is*  
8 *amended to read:*

9 25420. The commission may expend from the State Energy  
10 Conservation Assistance Account an amount to pay for the actual  
11 administrative costs incurred by the commission pursuant to this  
12 chapter. ~~Such~~ *The amount shall not exceed 5 percent of the total*  
13 ~~appropriation~~ *annual unencumbered balance in the account as*  
14 *determined by the commission on July 1 of each fiscal year, to be*  
15 ~~held in reserve and~~ *used to defray costs incurred by the commission*  
16 *for allocations made by the commission pursuant to this chapter.*

17 *SEC. 15. Section 25422 is added to the Public Resources Code,*  
18 *to read:*

19 25422. (a) *Federal funds available to the commission pursuant*  
20 *to Chapter 5.6 (commencing with Section 25460) may be used by*  
21 *the commission to augment funding for grants and loans pursuant*  
22 *to this chapter. Any federal funds used for loans shall, when repaid,*  
23 *be deposited into the Energy Conservation Assistance Account*  
24 *and used to make additional loans pursuant to this chapter.*

25 (b) *A separate subaccount shall be established within the Energy*  
26 *Conservation Assistance Account to track the award and repayment*  
27 *of loans from federal funds, including any interest earnings, in*  
28 *accordance with the federal American Recovery and Reinvestment*  
29 *Act of 2009 (Public Law 111-5).*

30 *SEC. 16. Section 25450 of the Public Resources Code is*  
31 *amended to read:*

32 25450. (a) The Legislature finds and declares all of the  
33 following:

34 (1) The cost of energy in California is increasing and creating  
35 greater demands on local governments' operating budgets.

36 (2) ~~The 100th~~ *110th* Congress enacted the Energy Independence  
37 and Security Act of 2007 (42 U.S.C. Sec. 17001 et seq.) that  
38 provides *energy efficiency and conservation block grants* to eligible  
39 entities, including states, to reduce fossil fuel emissions, improve  
40 energy efficiency, and reduce overall energy use.

(3) Section 545(c)(1)(A) of the Energy Independence and Security Act of 2007 (42 U.S.C. Sec. 17155(c)(1)(A)) mandates that states receiving block grants under the act use not less than 60 percent of the grant amount to provide subgrants to local governments that are not eligible entities for the purposes of the act.

(4) *The 111th Congress enacted the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) that appropriates funds for energy efficiency and conservation block grants.*

(b) It is the intent of the Legislature to fully implement the requirements for, *and achieve the purposes of, the energy efficiency and conservation block grants provided pursuant to the Energy Independence and Security Act of 2007 and the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), in the most expedient manner possible,* and that the funds allocated to the state pursuant to ~~that act~~ *those acts* be administered by the commission.

(c) It is the intent of the Legislature to strive to maximize the opportunity to allocate funds toward the most cost-effective energy efficiency projects, and when allocating funds toward administration, the commission should use the ~~5-percent~~ allowable administrative expenses *specified in Section 545(c)(4) of the Energy Independence and Security Act of 2007 (42 U.S.C. Sec. 17155(c)(4))* as a ceiling and improve efficiencies to allocate less than the allowable amount.

SEC. 17. *Section 25450.1 of the Public Resources Code is amended to read:*

25450.1. ~~Funds~~ *The commission shall administer the funds allocated to and received by the state pursuant to the Energy Independence and Security Act of 2007 (42 U.S.C. Sec. 17001 et seq.) shall be administered by the commission and the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) for the Energy Efficiency and Conservation Block Grant Program established pursuant to Section 542 of the Energy Independence and Security Act of 2007 (42 U.S.C. Sec. 17152), and may use the federal funds to award contracts, grants, and loans as expeditiously as possible consistent with those acts.*

SEC. 18. *Section 25450.2 of the Public Resources Code is amended to read:*

25450.2. (a) Not less than 60 percent of the funds received pursuant to Section 25450.1 shall be used to provide cost-effective

energy efficiency, *climate change planning*, and conservation grants to cities with a population of less than 35,000 and counties with a population of less than 200,000, and be prioritized based on cost-effective energy efficiency. *However, this population requirement does not apply to funds received pursuant to the American Recovery and Reinvestment Act of 2009 (Public Law 111-5).*

(b) The remaining funds received pursuant to Section 25450.1 shall be used to provide cost-effective energy efficiency and conservation *contracts, grants, and loans* to eligible entities consistent with the Energy Independence and Security Act of 2007 (42 U.S.C. Sec. 17001 et seq.); *and the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) that govern or fund the Energy Efficiency and Conservation Block Grant program* and be prioritized based on cost-effective energy efficiency.

SEC. 19. Section 25450.3 of the Public Resources Code is amended to read:

25450.3. ~~Not more than 5 percent of the funds received pursuant to Section 25450.1 shall be expended for~~ *The commission shall not exceed the amount specified in Section 545(c)(4) of the Energy Independence and Security Act of 2007 (42 U.S.C. Sec. 17155(c)(4)) for administrative expenses, including, which include, but are not limited to, reporting, recordkeeping, and evaluation activities required by the Energy Independence and Security Act of 2007 (42 U.S.C. Section 17001 et seq.), the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), and implementing regulations and guidelines, that govern or fund the Energy Efficiency and Conservation Block Grant Program, and the combined administration program costs, indirect costs, overhead, and costs associated with the Statewide Cost Allocation Plan, including those administration program costs, indirect costs, and overhead costs of all other public and private entities associated with the disbursement, the expenditure of funds, or both the disbursement and expenditure.*

SEC. 20. Section 25450.4 is added to the Public Resources Code, to read:

25450.4. *The commission may award contracts, grants, and loans pursuant to this chapter, unless otherwise prohibited by the Energy Independence and Security Act of 2007 (42 U.S.C. Sec.*

1 17001 et seq.), the American Recovery and Reinvestment Act of  
2 2009 (Public Law 111-5), implementing regulations and guidelines.

3 SEC. 21. Section 25450.5 is added to the Public Resources  
4 Code, to read:

5 25450.5. (a) The commission may adopt guidelines governing  
6 the award, eligibility, and administration of funding pursuant to  
7 the American Recovery and Reinvestment Act of 2009 (Public Law  
8 111-5) at a publicly noticed meeting offering all interested parties  
9 an opportunity to comment. The commission shall provide written  
10 public notice of not less than 30 days for the initial adoption of  
11 guidelines. Substantive changes to the guidelines shall not be  
12 adopted without 15-day written notice to the public.  
13 Notwithstanding any other provision of law, any guidelines adopted  
14 pursuant to this chapter shall be exempt from the requirements of  
15 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division  
16 3 of Title 2 of the Government Code.

17 (b) Grants and loans made pursuant to this chapter are subject  
18 to appeal to the commission upon a showing that factors other  
19 than those described in the guidelines adopted by the commission  
20 were applied in making the awards and payments.

21 SEC. 22. Chapter 5.6 (commencing with Section 25460) is  
22 added to Division 15 of the Public Resources Code, to read:

23  
24 CHAPTER 5.6. FEDERAL FUNDING OF ENERGY-RELATED  
25 PROJECTS AND STATE ENERGY PROGRAMS  
26

27 25460. (a) The Legislature finds and declares that the 111th  
28 Congress enacted the American Recovery and Reinvestment Act  
29 of 2009 (Public Law 111-5) that appropriates funds for various  
30 energy programs administered by the commission.

31 (b) It is the intent of the Legislature that the commission should  
32 have the authority to award contracts, grants, and loans from  
33 funds received pursuant to the American Recovery and  
34 Reinvestment Act of 2009 and to make the awards as expeditiously  
35 as possible.

36 25461. (a) Except as provided in Chapter 5.5 (commencing  
37 with Section 25450), the commission shall administer federal funds  
38 allocated to, and received by, the state for energy-related projects  
39 pursuant to the American Recovery and Reinvestment Act of 2009



1 *(Public Law 111-5) or federal acts related to the American*  
2 *Recovery and Reinvestment Act of 2009.*

3 *(b) Unless otherwise prohibited by the American Recovery and*  
4 *Reinvestment Act of 2009 (Public Law 111-5) or subsequent federal*  
5 *acts related to the American Recovery and Reinvestment Act of*  
6 *2009, the commission may use the federal funds to award contracts,*  
7 *grants, and loans for energy efficiency, energy conservation,*  
8 *renewable energy, and other energy-related projects and activities*  
9 *authorized by the American Recovery and Reinvestment Act of*  
10 *2009 or subsequent federal acts related to the American Recovery*  
11 *and Reinvestment Act of 2009.*

12 25462. *(a) The commission may adopt guidelines governing*  
13 *the award, eligibility, and administration of funding pursuant to*  
14 *this chapter at a publicly noticed meeting offering all interested*  
15 *parties an opportunity to comment. The commission shall provide*  
16 *written public notice of not less than 30 days for the initial adoption*  
17 *of guidelines. Substantive changes to the guidelines shall not be*  
18 *adopted without 15-day written notice to the public.*  
19 *Notwithstanding any other provision of law, any guidelines adopted*  
20 *pursuant to this chapter shall be exempt from the requirements of*  
21 *Chapter 3.5 (commencing with Section 11340) of Part 1 of Division*  
22 *3 of Title 2 of the Government Code.*

23 *(b) Grants and loans made pursuant to this chapter are subject*  
24 *to appeal to the commission upon a showing that factors other*  
25 *than those described in the guidelines adopted by the commission*  
26 *were applied in making the awards and payments.*

27 25463. *(a) Notwithstanding any other provision of this division,*  
28 *federal funds available to the commission pursuant to this chapter*  
29 *may be used by the commission to augment funding for any*  
30 *programs or measures authorized by this division unless otherwise*  
31 *prohibited by the American Recovery and Reinvestment Act of*  
32 *2009 (Public Law 111-5). The commission may administer any*  
33 *funds used to augment other programs using the procedures of the*  
34 *augmented program consistent with applicable federal law.*

35 *(b) This section shall be liberally construed to maximize the*  
36 *commission's ability to utilize and award federal funds*  
37 *expeditiously and in accordance with the American Recovery and*  
38 *Reinvestment Act of 2009 or federal acts related to the American*  
39 *Recovery and Reinvestment Act of 2009.*

SEC. 23. Chapter 5.7 (commencing with Section 25470) is added to Division 15 of the Public Resources Code, to read:

CHAPTER 5.7. ENERGY EFFICIENT STATE PROPERTY REVOLVING  
FUND

25470. As used in this chapter:

(a) “Act” means the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

(b) “Allocation” means a loan of funds by the Department of General Services pursuant to the procedures specified in this chapter.

(c) “Building” means any existing structure that includes a heating or cooling system, or both. Additions to an existing building shall be considered part of that building rather than a separate building.

(d) “Department” means the Department of General Services.

(e) “Energy audit” means a determination of the energy consumption characteristics of a building that does all of the following:

(1) Identifies the type, size, and energy use level of the building and the major energy using systems of the building.

(2) Determines appropriate energy conservation maintenance and operating procedures.

(3) Indicates the need, if any, for the acquisition and installation of energy conservation measures.

(f) “Energy conservation maintenance and operating procedure” means a modification or modifications in the maintenance and operations of a building, and any installations therein, based on the use time schedule of the building that are designed to reduce energy consumption in the building and that require no significant expenditure of funds.

(g) “Energy conservation measure” means an installation or modification of an installation in a building that is primarily intended to reduce energy consumption or allow the use of a more cost-effective energy source.

(h) “Energy conservation project” means an undertaking to acquire and to install one or more energy conservation measures in a building, and technical assistance in connection with that undertaking.

1 (i) “Fund” means the Energy Efficient State Property Revolving  
2 Fund.

3 (j) “Project” means a purpose for which an allocation may be  
4 requested and made under this chapter. Those purposes shall  
5 include energy audits, energy conservation and operating  
6 procedures, and energy conservation measures in existing  
7 buildings, and energy conservation projects.

8 (k) “State agency” means a unit of state government, including  
9 any department, agency, board, or commission under the State of  
10 California.

11 (l) “State-owned building” means a building that is primarily  
12 occupied by offices or agencies of a unit of state government and  
13 includes those properties owned by the State of California.

14 25471. (a) There is hereby created in the State Treasury the  
15 Energy Efficient State Property Revolving Fund for the purpose  
16 of implementing this chapter. Notwithstanding Section 13340 of  
17 the Government Code, the money in this fund is continuously  
18 appropriated to the department, without regard to fiscal years,  
19 for loans for projects on state-owned buildings and facilities to  
20 achieve greater, long-term energy efficiency, energy conservation,  
21 and energy cost and use avoidance.

22 (b) The fund shall be administered by the department. The  
23 department may use other funding sources to leverage project  
24 loans.

25 (c) For the 2009–10 fiscal year, the sum of twenty-five million  
26 dollars (\$25,000,000) shall be transferred into the Energy Efficient  
27 State Property Revolving Fund from money received by the  
28 commission pursuant to the act to be used for purposes of the  
29 federal State Energy Program.

30 (d) The Controller shall disburse moneys in the fund for the  
31 purposes of this chapter, as authorized by the department.

32 (e) Moneys in the fund, including all interest earnings, shall be  
33 clearly delineated and distinctly accounted for in accordance with  
34 the requirements of the act.

35 25472. (a) The department, in consultation with the  
36 commission, shall establish a process by which projects are  
37 identified and funding is allocated.

38 (b) Beginning July 1, 2009, the department shall use money in  
39 the fund for projects that will improve long-term energy efficiency  
40 and increase energy use savings.

1 (c) The department shall comply with the requirements of the  
2 act and implementing guidelines of the commission, including, but  
3 not limited to, performance metrics, data collection, and reporting.  
4 All projects must be consistent with these requirements and  
5 guidelines.

6 (d) Funding prioritization shall be granted to those projects  
7 that are cost-effective and will yield immediate and sustainable  
8 energy efficiency, energy conservation, energy use cost savings,  
9 and cost avoidance.

10 (e) The department shall fund allowable projects through a loan  
11 to the appropriate state agency or agencies occupying the building  
12 or facility for which the project will be performed.

13 (f) The department shall determine a reasonable loan repayment  
14 schedule that may not exceed the life of the energy conservation  
15 measure equipment, as determined by the department, or the lease  
16 term of the building in which the energy conservation measure is  
17 installed.

18 (g) Maximum loan amounts shall be based on estimated energy  
19 cost savings that will allow state agencies to repay loan principal  
20 and interest within the maximum repayment term specified in this  
21 section.

22 (h) The department shall periodically set interest rates on the  
23 loans based on surveys of existing financial markets and at rates  
24 of not less than 1 percent per annum.

25 (i) Annual loan repayment amounts shall be structured so as to  
26 reflect the projected annualized energy cost avoidance estimated  
27 from the completed project. The department may utilize a direct  
28 billing methodology to recover loan repayments for completed  
29 projects.

30 25473. (a) On or before January 1, 2010, and annually  
31 thereafter, the department, in collaboration with the commission,  
32 shall submit to the Legislature's fiscal and appropriate policy  
33 committees a report that includes an initial list of projects identified  
34 and planned for the 2009–10 fiscal year, and for each fiscal year  
35 thereafter. The report also shall include the anticipated cost of  
36 each project, an analysis of the results of the methodology, and  
37 an estimate of energy savings to be achieved.

38 (b) On or before July 1, 2010, the department, in collaboration  
39 with the commission, shall submit to the Legislature an update to  
40 the January 1, 2010, report.

25474. (a) Any repayment of loans made pursuant to this chapter, including interest payments, and all interest earnings on or accruing to, any money resulting from the implementation of this chapter in the Energy Efficient State Property Revolving Fund, shall be deposited in that fund and shall be available for the purposes of this chapter.

(b) The department may recover costs of administering the projects and related costs through energy utility rebates awarded to the state agency as a result of completed projects up to 5 percent of the project loan amounts. Project costs can include energy efficiency improvements and costs associated with managing the project and administering the loan program, including all reporting requirements.

SEC. 24. Section 48653 of the Public Resources Code is amended to read:

48653. The board shall deposit all amounts paid pursuant to Section 48650 by manufacturers, civil penalties, or fines paid pursuant to this chapter, and all other revenues received pursuant to this chapter into the California Used Oil Recycling Fund, which is hereby created in the State Treasury. Notwithstanding Section 13340 of the Government Code, the money in the fund is to be appropriated solely as follows:

(a) Continuously appropriated to the board for expenditure for the following purposes:

- (1) To pay recycling incentives pursuant to Section 48651.
- (2) To provide a reserve for contingencies, as may be available after making other payments required by this section, in an amount not to exceed one million dollars (\$1,000,000).
- (3) To make block grants for the implementation of local used oil collection programs adopted pursuant to Article 10 (commencing with Section 48690) to cities, based on the city's population, and counties, based on the population of the unincorporated area of the county, in a total annual amount equal to ten million dollars (\$10,000,000) or half of the amount ~~which~~ *that* remains in the fund after the expenditures are made pursuant to paragraphs (1) to (3), inclusive, and subdivision (b), whichever amount is greater, multiplied by the fraction equal to the population of cities and counties which are eligible for block grants pursuant to Section 48690, divided by the population of the state. The board shall use the latest population estimates of the state generated by

1 the Population Research Unit of the Department of Finance in  
2 making the calculations required by this paragraph. *During the*  
3 *fiscal year 2009–10 and 2010–11, the board shall apply any*  
4 *necessary reductions to block grants in an equitable manner that*  
5 *takes into account prior year block grants that are held in reserves*  
6 *by local organizations as available for grantees to use in their*  
7 *operations.*

8 (4) For expenditures pursuant to Section 48656.

9 (b) The money in the fund may be expended by the board for  
10 the administration of this chapter and by the department for  
11 inspections and reports pursuant to Section 48661, only upon  
12 appropriation by the Legislature in the annual Budget Act.

13 (c) The money in the fund may be transferred to the Farm and  
14 Ranch Solid Waste Cleanup and Abatement Account in the General  
15 Fund, upon appropriation by the Legislature in the annual Budget  
16 Act, to pay the costs associated with implementing and operating  
17 the Farm and Ranch Solid Waste Cleanup and Abatement Grant  
18 Program established pursuant to Chapter 2.5 (commencing with  
19 Section 48100).

20 (d) Appropriations to the board to pay the costs necessary to  
21 administer this chapter, including implementation of the reporting,  
22 monitoring, and enforcement program pursuant to subdivision (d)  
23 of Section 48631, shall not exceed three million dollars  
24 (\$3,000,000) annually.

25 (e) The Legislature hereby finds and declares its intent that the  
26 sum of two hundred fifty thousand dollars (\$250,000) should be  
27 annually appropriated from the California Used Oil Recycling  
28 Fund in the annual Budget Act to the board, commencing with  
29 fiscal year 1996–97, for the purposes of Section 48655.

30 *SEC. 25. Section 5106 of the Vehicle Code is amended to read:*

31 5106. (a) Except as provided in Section 5101.7, in addition to  
32 the regular registration fee or a permanent trailer identification  
33 fee, the applicant shall be charged a fee of ~~forty dollars (\$40)~~  
34 *forty-eight dollars (\$48)* for issuance of environmental license  
35 plates.

36 (b) In addition to the regular renewal fee or a permanent trailer  
37 identification fee for the vehicle to which the plates are assigned,  
38 the applicant for a renewal of environmental license plates shall  
39 be charged an additional fee of ~~thirty dollars (\$30)~~ *thirty-eight*  
40 *dollars (\$38)*. An applicant with a permanent trailer identification

plate shall be charged an annual fee of ~~thirty dollars (\$30)~~ *thirty-eight dollars (\$38)* for renewal of environmental license plates. However, applicants for renewal of prisoner-of-war special license plates issued under Section 5101.5 shall not be charged the additional renewal fee under this subdivision.

(c) When payment of renewal fees is not required as specified in Section 4000, the holder of any environmental license plate may retain the plate upon payment of an annual fee of ~~thirty dollars (\$30)~~ *thirty-eight dollars (\$38)*. The fee shall be due at the expiration of the registration year of the vehicle to which the environmental license plate was last assigned. However, applicants for retention of prisoner-of-war special license plates issued under Section 5101.5 shall not be charged the additional retention fee under this subdivision.

(d) Notwithstanding Section 9265, the applicant for a duplicate environmental license plate or a duplicate, replacement commemorative 1984 Olympic reflectorized license plate shall be charged a fee of ~~thirty dollars (\$30)~~ *thirty-eight dollars (\$38)*.

*SEC. 26. Section 5108 of the Vehicle Code is amended to read:*

5108. Whenever any person who has been issued environmental license plates applies to the department for transfer of the plates to another passenger vehicle, commercial motor vehicle, trailer, or semitrailer, a transfer fee of ~~thirty dollars (\$30)~~ *thirty-eight dollars (\$38)* shall be charged in addition to all other appropriate fees.

*SEC. 27. Section 147 is added to the Water Code, to read:*

147. (a) *On or before January 10, 2010, and annually thereafter, the department shall prepare and submit to the chairpersons of the fiscal committees of the Legislature a report with regard to the budget for the State Water Resources Development System.*

(b) *The department shall include in the report all of the following information:*

(1) *A description of the expenditures made, or projected to be made, as applicable, on behalf of the State Water Resources Development System, by program and fund, and of the total revenues expended, or projected to be expended, as applicable, for that system, including each fund source.*

1 (2) A description of the positions within the department that  
2 carry out functions related to the State Water Resources  
3 Development System, and the total number of those positions.

4 (3) A description of any funds, other than funds generated by  
5 the State Water Resources Development System, that are expended,  
6 or projected to be expended, as applicable, for the State Water  
7 Resources Development System, including those funds used for  
8 cost-sharing purposes.

9 (4) An itemization of all contracts related to the Bay-Delta  
10 Conservation Plan financed, or projected to be financed, as  
11 applicable, in full or in part with funds generated by the State  
12 Water Resources Development System, including the dollar amount  
13 of those contracts and a brief description of the purposes of those  
14 contracts.

15 (c) The department shall include in each report information  
16 relating to three fiscal years that include the two completed fiscal  
17 years that immediately precede the year in which the report is due,  
18 along with applicable information for the fiscal year in which the  
19 report is due. The department shall prepare the first report  
20 required under subdivision (a) for the 2007–08, 2008–09, and  
21 2009–10 fiscal years.

22 SEC. 28. Section 79424 is added to the Water Code, to read:

23 79424. (a) The authority shall post on its Internet Web site  
24 information relating to the awarding of grants that implement the  
25 science element of the CALFED Bay-Delta Program.

26 (b) The information required to be posted pursuant to  
27 subdivision (a) shall include all of the following:

- 28 (1) The dollar amount of the grant.  
29 (2) The purpose of the grant.  
30 (3) The date on which the grant was awarded.  
31 (4) The identity of the entity awarding the grant and the identity  
32 of the entity receiving the grant.

33 SEC. 29. This act addresses the fiscal emergency declared by  
34 the Governor by proclamation on July 1, 2009, pursuant to  
35 subdivision (f) of Section 10 of Article IV of the California  
36 Constitution.

37 SEC. 30. This act is an urgency statute necessary for the  
38 immediate preservation of the public peace, health, or safety within  
39 the meaning of Article IV of the Constitution and shall go into  
40 immediate effect. The facts constituting the necessity are:



1     *In order to implement the Budget Act of 2009 as quickly as*  
2     *possible, it is necessary that this act take immediate effect.*

3     ~~SECTION 1. It is the intent of the Legislature to enact statutory~~  
4     ~~changes relating to the Budget Act of 2009.~~

5     ~~SEC. 2. This act addresses the fiscal emergency declared by~~  
6     ~~the Governor by proclamation on July 1, 2009, pursuant to~~  
7     ~~subdivision (f) of Section 10 of Article IV of the California~~  
8     ~~Constitution.~~

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